Dear [Redacted],

Re: Your request for access to information under Part II of the Access to Information and Protection of Privacy Act [Our File #: MPA/11/2013]

On November 1, 2013 the Department of Municipal and Intergovernmental Affairs received your request for access to the following records:

"E-mail letter of May 13, 2013 sent by [Redacted] to Corrie Davis with five (5) questions."

I am pleased to inform you that your request for access to these records has been granted in part. For personal privacy issues, personal information contained within the records has been refused in accordance with the following exceptions to disclosure, as specified in the Access to Information and Protection of Privacy Act (the Act):

30(1) "The head of the public body shall refuse to disclose personal information to an applicant where the disclosure would be an unreasonable invasion of privacy."

In accordance with your request, a copy of the letter is enclosed. As required by subsection 7(2) of the Act, we have severed information that is excepted from disclosure and have provided you with as much information as possible.

Section 43 of the Act provides that you may ask the Information and Privacy Commissioner to review this partial refusal of access or you may appeal the refusal to the Supreme Court Trial Division. A request to the Information and Privacy Commissioner shall be made in writing within 60 days of the date of this letter or within a longer period that may be allowed by the Commissioner.
The address and contact information of the Information and Privacy Commissioner is as follows:

Office of the Information and Privacy Commissioner  
34 Pippy Place  
P. O. Box 13004, Stn. A  
St. John’s, NL A1B 3V8  

Telephone: (709) 729-6309  
Facsimile: (709) 729-6500  

In the event that you choose to appeal to the Trial Division, you must do so within 30 days of the date of this letter. Section 60 of the Act sets out the process to be followed when filing such an appeal.

Please be advised that responsive records will be published following a 72 hour period after the response is sent electronically to you or five days in the case where records are mailed to you. It is the goal to have the responsive records posted to the Office of Public Engagement's website within one business day following the applicable period of time. Please note that requests for personal information will not be posted online.

If you have any further questions, please feel free to contact Scott Winters, ATIPP Coordinator at (709)729-6528 or by email at scottwinters@gov.nl.ca.

Sincerely,

[Signature]

COLLEEN JANES  
Deputy Minister for Municipal Affairs
Good Morning Folks,

Attached material for your consideration,

Thanks.
Corrie Davis  
Manager of Land Use Planning  
Department of Municipal Affairs  
Confederation Building, West Block  
St. John's, NL A1B 4J6  

Re: The Town of Portugal Cove - St. Philip's - Draft Town Plan  

Dear Sir:  

I hope you can help me by answering the following questions I have regarding the history and status of the Draft Town Plan currently being prepared by the Town of Portugal Cove - St. Philip's. I have already discussed these items, briefly, with Kim Blanchard.  

1. Can you confirm that the area indicated on the attached Zoning Map, East of Beachy Cove Road and changed from RR (2006 map) to RMD (2009 map) is included in the Draft Zoning Map which comprised a part of the Draft Town Plan and Regulations (Draft Plan) submitted to the Department of Municipal Affairs in February, 2009, pursuant to Council Resolution # 09-017? (I am forwarding a copy of the related map and other documents for your reference).  

2. To your knowledge, was that Draft Plan properly submitted to the Department by the council of the day?  

3. To your knowledge, did any "irregularity" occur affecting the submission of the Draft Plan.  

4. Did the Department reject or return the Draft Plan to Council (as contemplated by Section 24 (4) of the Act) or was there, rather, an arrangement arrived at which allowed (the new) Council to do further review and/or revision to the 2009 version of the Draft Plan before re-submitting it to the Department?  

5. On 12 October, 2011, P.C.S.P. Council met to review and vote on 52 individual recommendations provided by EXP, Planning Consultants for the Town at the time. In your time with the Department have you found this to be a step in the process of a town's reviewing or updating a Town Plan or does this appear to be a departure from the normal practice? I note that it does not appear to be a part of the legislated procedure.  

I trust that you will be able to provide me with the answers to the above questions and I look forward to receiving your response.  

Yours Truly,  

Section 30(1)  

cc. Kim Blanchard
2. 1303 Thorburn Road
To construct an Accessory Building – Zoning RMD

Motion: Andrews Seary
=09-016
Resolved that the application to construct a temporary accessory building (measuring 11.14 m²) at Civic #1303 Thorburn Road, be conditionally approved, in accordance with the Municipal Plan and Development Regulations and all other regulatory bodies of government. The accessory building shall be located adjacent to the existing dwelling and no part of the structure shall project in front of the building line. It must be located a minimum distance of 10 meters from the center line of Thorburn Road, and in accordance with the permit issued by the Department of Environment and Conservation, the temporary building shall be removed from the property by December 31, 2009.

Carried
Unanimously

3. Correspondence from the Town Of Paradise
Paradise Development Regulations Amendment #36 – 2008
St. John’s Urban Region Regional Plan Amendment #1 – 2009

The Planning and Development Committee reviewed the proposed amendments and have no objections.

Submitted for information.

4. Municipal Plan and Development Regulations Review

The Planning and Development Committee have reviewed the issues raised by residents during the public consultation process and the concerns have been considered during the revision of the planning documents. Presentations on the proposed changes were reviewed by Council at Council’s pre-session which was held prior to this meeting.

Motion: Andrews Seary
=09-017
Resolved that Council forward the revised Draft Municipal Plan and Development Regulations: 2009 to the Department of Municipal Affairs for the statutory Provincial review.

Carried
For: Mercer, Seary, and Andrews
Against: Fagan

Ms. Lynch, Town Planner, advised Council that copies of the revisions to the Draft Town Plan will be made available for all members of Council.

5. Meeting with Residents
Five area residents met with the Planning & Development Committee on January 19, 2009 to provide information related to their applications.

Submitted for information.
MUNICIPAL PLAN REVIEW
PUBLIC CONSULTATION
NOVEMBER 2008

SUMMARY OF MAJOR ISSUES

Attendance
- Open Houses – Approximately 55
- Public Meetings – Approximately 120

Major Issues

30-Metre Buffer on Watercourses & Wetlands
- Public voiced opposition, some showed support
- Some indicated the Provincial regulation of 15 metres should be sufficient
- Scientific evidence supports 30 metres

Agriculture Lands
- Some want ADA land removed from AG zone
- Some want non-ADA land removed from AG zone
- Request for 300-metre MDS to apply to slaughterhouses, MDS is a manure management measure
- Request that residential development be permitted in AG zone. Plan will allow under certain conditions.
- Request that agriculture be permitted in EP zone up to 15 metres from watercourse.
- New draft proposes allowing non-livestock uses up to 15 metres.

Commercial Vehicle Parking on Residential Properties
- Much objection to restriction on parking trucks, buses, and heavy equipment on residential lots.
- Propose that regulation be eliminated

Area North of Voisey’s Brook Park
- Area has a lot of streams and wetlands
- Some development interest in this area
- Town’s draft recreation plan recommends this area be developed as a park
Keeping of Horses on Residential Lots
- Draft Plan requires minimum lot area of 2.5 acres to keep a horse
- One comment that 1 acre is adequate

Smaller Lots for Affordable Housing
- Considerable support for smaller lots, but also larger lots proposed in draft Plan
- Options to accommodate smaller lots could include:
  a) Allow a portion of lots (e.g. 20-25%) to be smaller
  b) Create a higher density zone in some serviced areas

Backlot Development
- Petition and some individuals supported reinstatement of backlot development
- Earlier comments by Council and staff indicates backlot development has created many problems

Auto Repair as a Home Occupation
- Some requests that auto repair businesses be permitted on residential properties
- Historically problematic in terms of lack of compatibility with neighbouring residential properties

Connecting Road between Indian Meal Line & Bauline Line
- A number of suggestions that the Plan provide for a connecting road
- There are no restrictions in the Plan to prevent the development of a connecting road

Excessive Areas Zoned Rural and Agriculture
- Comments that more land should be opened up for development
- Current Residential zoning will easily accommodate anticipated housing demand for next ten years
- Planning must consider the cost of delivering municipal services to spread-out areas
- Also the environmental costs associated with unnecessary development

Public Access to Ponds
- Comments that Plan should ensure adequate public access to ponds
- New draft includes a proposed policy and general regulation to protect public access
Building Development in Traditional Community Zone

- Building size restrictions should relate to lot size.
- New draft proposes building footprint will be no more than 20% larger than average of surrounding houses
- Also proposes a maximum lot coverage of 33%
- Comment that Plan should provide design guidelines for exterior finishes on new construction.

Identification of Areas for Commercial Development

- A number of areas were suggested by public
- New draft has expanded Mixed Use zone along Portugal Cove Road & the Traditional Community zone on Thorburn Road
- Other areas considered: Indian Meal Line, Bauline Line, Beachy Cove Road, Witch Hazel Road & Rainbow Gully Road
- Requires a more comprehensive analysis

East Coast Trail

- ECTA identified areas that are not protected for trail development
- Concerns about zoning private land to protect a trail corridor.

Proposed Zoning Changes

- The zoning has been changed in the following areas:
  - Area east of Beachy Cove changed from RR to RMD
  - Area south of Chesley Van Heights changed from RUR to RR
  - Small area fronting on Indian Meal line changed from ROS to R1
- Several requests are not recommended
10. PEGNL Notice
Professional Engineers and Geoscientists Newfoundland and Labrador

Subject of Notice:
Advisory Document - Scope of Practice of Engineering and Architecture
A guide for municipalities, governments, developers and contractors.
Circulated for information.

11. Town of Paradise
No objections are raised.
Circulated for information.

Subject: Agricultural Zone Review Commission Begins

The Commission will announce the dates and locations of individual and public hearings on the boundary review in the near future.

Upon receipt of the appropriate dates for this area the Town will post the dates and the location of the public hearings in the Town Newsletter and the Bulletin Boards.

13. 137A Beachy Cove Road
A request for a zoning change to the new Town Plan.
This request will be forwarded to SGE Acres as part of the Municipal Plan review.

14. Department of Municipal Affairs
Municipal Plan Amendment No. 13, 2006 and Development Regulations Amendment No. 27, 2006 – Fully-Serviced, 18-Lot Subdivision off Portugal Cove Road. The Department has released the amendments from further provincial review.

Motion: Andrews/King
#07-054
Resolved that Council adopt:
Municipal Plan Amendment No. 13, 2006 & Development Regulations Amendment No. 27, 2006 (fully-serviced, 18-lot subdivision off Portugal Cove Road) and proceed with the appointment of a commissioner to hold the statutory public hearing, noting that the proposed amendment package provides a 6 meter buffer separating the rear lots from the street ensuring conformity to Regulation 80.

Carried Unanimously


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<th>#</th>
<th>Date</th>
<th>Civic Address</th>
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<tr>
<td>1</td>
<td>February 19/07</td>
<td>13 Bluebell Bend</td>
<td>Residential Storage Garage</td>
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